

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

SHARI REESE,

Plaintiff,

v.

Case Number 05-10105-BC  
Honorable David M. Lawson

UNITED STATES OF AMERICA  
CONSOLIDATED FARM SERVICE AGENCY, and  
UNITED STATES DEPARTMENT OF  
AGRICULTURE,

Defendants.

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**ORDER DENYING RECONSIDERATION OF ORDER DENYING PLAINTIFF'S  
REQUEST FOR APPOINTMENT OF COUNSEL**

This matter is before the Court on the plaintiff's "Request for Reconsideration For Appointment of Counsel" filed on May 4, 2005. The plaintiff contends that exceptional circumstances require the appointment of counsel, namely "the complexity of this case, the limited resources restricting [her] ability to investigate claims, and [her] limited income."

The Local Rules of this Court permit a party to file a motion for reconsideration of a ruling within ten days after its entry by the Court. Such a motion will be granted only if the movant identifies a "palpable defect" in this court's disposition of the case. E.D. Mich. LR 7.1(g)(3). A "palpable defect" is a one that is obvious, clear, unmistakable, manifest, or plain. *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001).

The appointment of counsel in a civil proceeding is warranted only by exceptional circumstances. *Lavado v. Keohane*, 992 F.2d 601, 604-06 (6th Cir. 1993). The Sixth Circuit has provided the following guidance to aid in considering exceptional circumstances "[i]n determining whether 'exceptional circumstances' exist, courts have examined 'the type of case and the abilities

of the plaintiff to represent [her]self.’ This generally involves a determination of the ‘complexity of the factual and legal issues involved.’” *Ibid.* (citations omitted). The plaintiff represents in an application to proceed without prepayment of fees that she seeks to contest a lien against her property. She has ably filed an application to proceed without prepayment of fees, an request for appointment of counsel, and a request for reconsideration. Upon consideration, there is no defect in the order denying the plaintiff’s request for counsel.

Accordingly, it is **ORDERED** that the plaintiff’s motion for reconsideration [dkt # 8] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: May 11, 2005

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 11, 2005.

s/Tracy A. Jacobs  
TRACY A. JACOBS